

REMARKS

Claims 1-32 are pending in the application. Claims 27-32 have been withdrawn.

Claim Rejections

Claims 1-26 stand rejected under 35 USC §102 and §103. Applicant appreciates the teachings of the cited prior art, however, the cited prior art does not teach or suggest every claimed element.

US 5938080 to Haaser was cited for rejections on anticipation. As discussed in paragraph 6 of the office action, Haaser shows a dispensing apparatus for pigments as seen in Fig. 1-3, 5 and 7, having a frame 82, 84, a frame spindle 90, and a rotatable magazine 52 with drive means 58.

Haaser does not disclose a plurality of receiving stations that are each designed to receive **an exchangeable storage container having a storage chamber filled with a substance, wherein when said exchangeable storage container is substantially empty said exchangeable storage container is replaceable with a second exchangeable storage container that is filled with a substance.** In contrast, the PC supply cylinders (60) are permanently attached to the rotatable magazine, whereby a relatively complex refilling system ("The PC Supply Cylinder Charging Assembly"; column 7, lines 37-64) is provided for filling or recharging the supply cylinders 60. This refilling system comprises a charging valve 137 being in flow communication with the interior of the supply cylinder 60, which charging valve 137 can be connected to a ink refill cartridge 164 (see also Fig. 8). The use of exchangeable storage containers as disclosed and claimed in the present application are easily replaceable when depleted or empty, eliminating the need for a complex refilling system as proposed in Haaser.

Also, Haaser does not disclose that each exchangeable storage container has one or more pumps for dispensing the substance contained therein. Haaser discloses the use of a single pump cylinder 64 for the entire system, the single pump cylinder 64 is used for dispensing of a substance from any one of the supply cylinders 60 (see Figure 2 and column 1, lines 47-52).

Both the refilling system and the single pump are considered by Haaser as an important aspect of the invention, as indicated in column 7, line 38 for the refilling system, and the fact that the single pump is explicitly mentioned in the summary of invention and in all independent claims 1 and 2.

Therefore, Haaser does not anticipate or render obvious Claims 1-26 of the presently amended application. Reconsideration is requested.

US 4967938 to Hellenberg was cited for rejections on obviousness. The '938 patent provides a dispensing apparatus for paint colorants as can be seen in Fig. 1-3, having a stationary support column 116, on which a rotatable turntable 44 is mounted.

The '938 patent does not disclose a plurality of receiving stations that are each designed to receive **an exchangeable storage container having a storage chamber filled with a substance, wherein when said exchangeable storage container is substantially empty said exchangeable storage container is replaceable with a second exchangeable storage container that is filled with a substance.** In contrast, the storage containers 50 of the '938 patent are permanently mounted on the turntable 44. The storage containers 50 may be (re)filled by opening the top end of the container 50 by removal of the lid 54 (The '938 patent Col 4, lines 56-65). In such case the contents of the container 50 is open to the environment. Such (re)filling is in particular unsuitable for the application of the device of the present invention which is designed to dispense metered portions of hair dye substances for the preparation of a hair-dye mixture. Hair dye substances are known to be highly sensitive to oxidation (see also paragraph 10 of the present application). When such hair dye substance would come into contact with the environment, using the refilling system of the '938 patent, the hair dye substance would oxidize and harden so that the hair dye substance can no longer be dispensed from the container and even damage the dispenser apparatus. Thus, the use of exchangeable storage containers as disclosed and claimed in the present application which can easily be replaceable when depleted is patentably distinct over the '938 patent.

If to find a solution for this oxidation problem, the teaching of the '938 patent would be combined with the teaching of Haaser, the skilled person would provide the dispenser apparatus of the '938 patent with the complex refilling system as proposed in Haaser. Thus the provision of exchangeable storage containers as disclosed and claimed in the present application, is not anticipated or rendered obvious over the disclosure and teachings of Haaser and the '938 patent. Therefore, the '938 patent does not anticipate or render obvious Claims 1-26 of the presently amended application. Reconsideration is requested.

US 5505777 to Ciardella was cited for rejections on obviousness. Ciardella relates to a computer controlled system for high speed mount adhesive placement in circuit board production. The system of Ciardella is not intended or suitable for the dispensing of metered portions of substance, in particular oxygen sensitive hair dye substances.

Ciardella does not disclose a magazine rotatable about a frame spindle, the magazine having a plurality of receiving stations that are each designed to receive an **exchangeable storage container having a storage chamber filled with a substance, wherein when said exchangeable storage container is substantially empty said exchangeable storage container is replaceable with a second exchangeable storage container that is filled with a substance.** Also, Ciardella does not disclose a drive means for moving the magazine, in such a manner that a storage container is moved to a dispensing station in order to dispense substance into a collection container, and Ciardella does not disclose each storage container having one or more pumps which when actuated at the dispensing station pump substance out of the storage chamber and dispense said substance into said collection container.

Therefore, Ciardella does not anticipate or render obvious Claims 1-26 of the presently amended application. Reconsideration is requested.

US 4331262 to Snyder was cited for rejections on obviousness. Snyder discloses a fluid dispenser system for dispensing a fluid into a receiver 16. The system comprises a single reservoir 59 and a single pump 12. In figure 7 a carousel 70 is shown, but this carousel holds petri-dishes 92 which can subsequently be filled using the fluid dispenser after being transported by transporter 72 to a filling position 73 (see column 5, lines 42-62). The carousel is not used to hold different exchangeable storage containers each being filled with a colorant, for instance a hair dye substance.

Therefore, the system of Snyder is not intended nor suitable for the dispensing of metered portions of substance, in particular oxygen sensitive hair dye substances.

Furthermore, Snyder does not disclose a magazine rotatable about a frame spindle, the magazine having a plurality of receiving stations that are each designed to receive an exchangeable storage container. Also, Snyder does not disclose a drive means for moving the magazine, in such a manner that an exchangeable storage container is moved to a dispensing station in order to dispense substance into a collection container, and Snyder does not disclose each exchangeable storage container having one or more pumps which when actuated at the dispensing station pump substance out of the exchangeable storage chamber and dispense said substance into said collection container.

Therefore, Snyder does not anticipate or render obvious Claims 1-26 of the presently amended application. Reconsideration is requested.

US 6183077 to Hmelar et al was cited for rejections on obviousness. Hmelar relates to a method and apparatus for keying ink supply reservoirs for ink jet printers, which is a totally different field of technology than the field of hair dye dispenser apparatuses. The system of Hmelar is not intended nor suitable for the dispensing of different metered portions of substance, in particular oxygen sensitive hair dye substances. Moreover Hmelar does not disclose all features of the (amended) independent claims.

Therefore, Hmelar does not anticipate or render obvious Claims 1-26 of the presently amended application. Reconsideration is requested.

US 6021362 to Maggard was cited for rejections on obviousness. Maggard discloses an automated distribution system for the distribution of items in the form of sales premiums, marketing incentives and/or product samples. Such system is not suitable nor intended for the dispensing of hair dye substances. Maggard does not disclose any of the features of the (amended) claims 1-26.

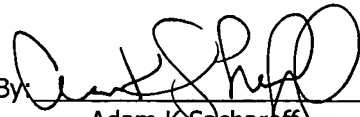
Therefore, Maggard does not anticipate or render obvious Claims 1-26 of the presently amended application. Reconsideration is requested.

Since the independent claims in the present case are believed to be allowable, the dependent claims are also allowable.

A three month petition to respond is provided herein. The deadline to respond is therefore February 10, 2006.

If the Office has additional questions, please contact the undersigned at 312-521-2775.

Respectfully submitted,

By  Z-10-2006
Adam K Sacharoff
Reg. No. 43,075

Much Shelist Freed Denenberg
Ament & Rubenstein, PC
191 N. Wacker Drive, Suite 1800
Chicago, IL 60606